

Introduced by Senator Runner

February 18, 2010

An act to amend Sections 17077.30, 17255, 17263, 17267, 17280, 17285, 17292, 17295, 17307, 17352, 17354, 81133, 81138, and 81149 of, to repeal Sections 17280.1, 17280.5, 17281, 17282.5, 17296, 17297, 17298, 17299, 17300, 17301, 17303, 17304, 17305, 17306, 17307.5, 17308, 17309, 17310, 17311, 17313, 17314, 17315, 17317, 17351, 17355, 17356, 17357, 17358, 17359, 17360, 81130, 81130.3, 81133.1, 81133.2, 81133.5, 81134, 81135, 81136, 81141, 81142, 81143, 81146, and 81147 of, and to repeal Article 3.3 (commencing with Section 17319) of Chapter 3 of Part 10.5 of Division 1 of Title 1 of, the Education Code, and to amend Sections 4453, 4454, and 4459.5 of, and to repeal Section 4453.5 of, the Government Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1227, as introduced, Runner. School facilities: construction.

(1) Existing law, the Field Act, requires the Department of General Services, under the police power of the state, to supervise the design and construction of any school building, as defined to include buildings used for elementary, secondary, and community college purposes, or the reconstruction or alteration of or addition to any school building, as defined to include buildings used for elementary, secondary, and community college purposes, if not exempted, to ensure that plans and specifications comply with adopted rules and regulations and specified building standards and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Existing law requires the plans and specifications for any school building, as defined, together with

cost estimates, to be submitted to the Department of General Services for approval. Existing law requires a manufacturer of factory-built buildings designed or intended for use as school buildings to submit to the Department of General Services and the State Department of Education for approval, its plans, specifications, methods of construction, and estimates of cost of those buildings.

This bill would transfer the duties of the Department of General Services with regard to design and construction of school buildings, as defined to include buildings used for elementary, secondary, and community college purposes, to the building department of the appropriate local jurisdiction.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17077.30 of the Education Code is
2 amended to read:
3 17077.30. (a) As part of the requirements for submission of
4 an application to the State Allocation Board for funding pursuant
5 to this chapter for any new construction or modernization project,
6 the applicant school district may, at the time of submission of the
7 final drawings to the ~~Division of the State Architect~~ *building*
8 *department of the appropriate jurisdiction*, certify that an energy
9 analysis and report has been prepared that sets forth the utility
10 savings that would be generated if the facilities were designed,
11 constructed, and equipped, with the energy efficiency and
12 renewable technologies that would make the facilities exceed the
13 minimum building energy-efficiency standards mandated for new
14 public buildings pursuant to the latest edition of the California
15 Building Standards Code through the use of energy efficiency and
16 renewable energy technologies.
17 (b) The energy analysis and report shall include a verifiable
18 life-cycle cost analysis for each proposed energy conservation
19 measure and renewable energy that may include, but need not be

1 limited to, photovoltaic parking lot and security lighting, and solar
2 swimming pool and domestic water heating, showing a return on
3 investment of less than 15 years.

4 (c) The cost of the energy analyses and reports shall not exceed:

5 (1) Seven thousand five hundred dollars (\$7,500) per project
6 for elementary schools.

7 (2) Ten thousand dollars (\$10,000) per project for middle
8 schools.

9 (3) Fifteen thousand dollars (\$15,000) per project for high
10 schools.

11 (d) An applicant school district may count the following funds
12 or expenditures toward meeting the local matching funds
13 requirement under this chapter:

14 (1) The amount from any local sources actually expended on
15 the project by the applicant school district for an energy audit.

16 (2) The amount actually applied to the project from any
17 incentive, grant, or rebate, received by the applicant school district
18 from a program funded pursuant to Section 381 of the Public
19 Utilities Code.

20 SEC. 2. Section 17255 of the Education Code is amended to
21 read:

22 17255. The *State* Energy Resources Conservation and
23 Development Commission shall, in consultation with the State
24 Department of Education ~~and the Division of the State Architect~~
25 and the Office of Public School Construction within the
26 Department of General Services, recommend best design practices
27 that include energy efficiency measures for all new public schools.
28 The practices and measures shall have as a goal incorporating
29 energy efficiency design and technologies that would provide the
30 greatest amount of energy efficiency savings within a cost recapture
31 period of seven years. The commission may additionally
32 recommend best design practices and measures that would be
33 cost-effective taking into consideration life-cycle costs. The
34 recommendations shall be reported to the Governor and the
35 Legislature by October 1, 2003.

36 SEC. 3. Section 17263 of the Education Code is amended to
37 read:

38 17263. The plans and specifications for any school building
39 as defined in Section 17283, together with estimates of cost, shall
40 be submitted by the board to the ~~Department of General Services~~

1 *building department of the appropriate local jurisdiction for*
2 *approval.*

3 SEC. 4. Section 17267 of the Education Code is amended to
4 read:

5 17267. The governing board of a school district shall, before
6 letting any contract for the construction of a school building as
7 defined in Section 17283 according to the plans and specifications,
8 ~~file a set of the plans and specifications with the Department of~~
9 ~~General Services accompanied by a fee in the amount fixed by~~
10 ~~Section 17300 obtain approval from the building department of~~
11 ~~the appropriate local jurisdiction.~~

12 SEC. 5. Section 17280 of the Education Code is amended to
13 read:

14 ~~17280. (a) (1) The Department of General Services under the~~
15 ~~police power of the state shall supervise the design and construction~~
16 ~~of any school building or the reconstruction or alteration of or~~
17 ~~addition to any school building, if not exempted under Section~~
18 ~~17295, to ensure that plans and specifications comply with the~~
19 ~~rules and regulations adopted pursuant to this article and building~~
20 ~~standards published in Title 24 of the California Code of~~
21 ~~Regulations, and to ensure that the work of construction has been~~
22 ~~performed in accordance with the approved plans and~~
23 ~~specifications, for the protection of life and property. Nothing in~~
24 ~~this section shall be construed to allow a school district to perform~~
25 ~~work with its own forces in excess of the limitations set forth in~~
26 ~~Sections 17595 and 17599. In calculating the cost of any project~~
27 ~~of reconstruction or alteration of, or addition to, any school building~~
28 ~~for the purpose of determining the applicability of the rules and~~
29 ~~regulations adopted pursuant to this article and building standards~~
30 ~~published in Title 24 of the California Code of Regulations, the~~
31 ~~Department of General Services shall not include, as an element~~
32 ~~of that cost, any expenses of air-conditioning equipment or~~
33 ~~insulation materials for that building, or of installing the equipment~~
34 ~~or materials.~~

35 ~~(2) In the alternative, for a leased or purchased building, a school~~
36 ~~district may comply with this section by complying with Section~~
37 ~~17280.5.~~

38 ~~(b) Whenever repairs due to fire damage, not including any~~
39 ~~damage caused by wind or earthquake, must be made to any school~~
40 ~~building previously approved by the Department of General~~

Services, the approved plans and specifications used in the original work under then existing rules, regulations, and building standards may be used without modification, providing all other provisions of this article are carried out.

(e)

17280. (a) Notwithstanding any other provision of law, no school district shall be authorized to construct or reconstruct any school building, regardless of the source of funding, unless and until the governing board of the district, by resolution, has indicated the agreement of the district that any school building construction or reconstruction that exceeds those construction costs and allowable area standards or any allowable building area computed for an attendance area pursuant to Section 17041 shall, in the event of the district's subsequent application for state funding for school facility construction, be deducted from the allowable building area for which the district would otherwise have been eligible, which restriction shall not be subject to waiver or exception as otherwise may be provided by law.

(d)

(b) If it is determined that, for any reason, a school district failed to comply with the requirement of this section, the district shall not be eligible for any additional building area pursuant to Section 17049 and may be denied any time priority established for the particular project pursuant to Section 17016.

SEC. 6. Section 17280.1 of the Education Code is repealed.

17280.1. Written rules and regulations adopted pursuant to this article to clarify the application of the California Building Standards Code shall be made available to the public by the State Architect upon request.

SEC. 7. Section 17280.5 of the Education Code is repealed.

17280.5. (a) The Seismic Safety Commission shall convene an advisory committee that shall include, but not be limited to, the State Architect, the State Fire Marshall, representatives from the major professional associations representing architects, engineers, and school facilities designers, and other interested parties.

(b) The advisory committee shall convene by August 19, 2002, and shall study and report on whether a regulatory process may be developed that will allow the State Architect to determine whether a building not originally constructed in compliance with the Field Act, as defined in Section 17281, and its implementing

~~regulations either meets, or can be retrofitted to meet, the equivalent pupil safety performance standard as a building constructed according to the Field Act and its implementing regulations. If the advisory committee finds that the regulatory process may be developed, the advisory committee, shall include within its report the facts and rationale supporting the finding and the essential steps required in that regulatory process. The advisory committee shall report its findings to the Seismic Safety Commission by December 31, 2002.~~

~~(c) By January 8, 2003, and after reviewing the advisory committee's findings, the Seismic Safety Commission shall make a determination as to whether the regulatory process described in subdivision (b) may be developed, and shall report that determination to the Governor and the Legislature.~~

~~(d) If the Seismic Safety Commission determines that the regulatory process may be developed, the State Architect shall draft regulations to establish that regulatory process and to delineate the required retrofitting, deconstructive testing, continuous inspection procedures, and other necessary certifications and requirements that must be completed for a building to ensure it meets the equivalent pupil safety performance standard as a building constructed according to the Field Act and its implementing regulations. The State Architect shall promulgate the regulations on or before April 1, 2003, as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).~~

~~(e) Notwithstanding any law, a leased or purchased building that is determined to have the equivalent pupil safety performance standard as a building constructed according to the Field Act and implementing regulations is hereby deemed to be in full compliance with the safety requirements of a school building as set forth in Section 17280, and is hereby deemed to be in full compliance with the Field Act.~~

~~SEC. 8. Section 17281 of the Education Code is repealed.~~

~~17281. This article, together with Article 6 (commencing with Section 17365), and Article 7 (commencing with Section 81130) of Chapter 1 of Part 49, shall be known and may be cited as the "Field Act."~~

1 SEC. 9. Section 17282.5 of the Education Code is repealed.

2 ~~17282.5. (a) On or before January 1, 2010, the Division of the~~
3 ~~State Architect within the Department of General Services shall~~
4 ~~develop uniform criteria for precheck approval processes for solar~~
5 ~~design plans, including structural plans and calculations, for a~~
6 ~~school facility that comply with rules and regulations adopted~~
7 ~~pursuant to this article and building standards published in Title~~
8 ~~24 of the California Code of Regulations. The criteria shall include~~
9 ~~provisions to ensure fire and life safety.~~

10 ~~(b) The Department of General Services shall complete the~~
11 ~~review of a solar design plan application submitted by a school~~
12 ~~district that conforms with the criteria established pursuant to~~
13 ~~subdivision (a) within 45 calendar days of the receipt of a complete~~
14 ~~application. If the Department of General Services requests an~~
15 ~~applicant to submit a corrected application, the Department of~~
16 ~~General Services shall act on the corrected application within 10~~
17 ~~calendar days of the date the applicant submits the corrected~~
18 ~~complete application to that department for approval.~~

19 SEC. 10. Section 17285 of the Education Code is amended to
20 read:

21 17285. (a) Notwithstanding any provision of law except
22 Sections 17286, 17287, 17405, and this section, a leased building
23 that does not meet the requirements of Section 17280 may not be
24 used as a school building, as defined in Section 17283, after
25 September 1, 1990.

26 (b) A school district may lease a commercial building prior to
27 January 1, 2003, that does not meet the requirements of Section
28 17280, for use as a school building, as defined in Section 17283,
29 if the governing board of the district finds that all of the following
30 conditions have been met:

31 (1) The building was constructed in accordance with seismic
32 safety standards for commercial buildings constructed within an
33 earthquake zone.

34 (2) The building permit for the initial construction of the
35 building was issued on or after January 1, 1990.

36 (3) A structural engineer has inspected the building and
37 submitted a report to the governing board of the school district
38 that certifies that the building is in substantial compliance with the
39 requirements of ~~the Field Act~~ *administrative and building*
40 *standards in Title 19 and Title 24 of the California Code of*

1 *Regulations.* This certification requirement is satisfied if the
2 structural engineer affixes his or her seal of approval to the report
3 and he or she attests in that report that to the best of his or her
4 knowledge:

5 (A) He or she has reviewed the design calculations, construction
6 documents, and the local government construction inspection
7 records of the building to the extent available.

8 (B) He or she has authorized testing and has observed or
9 reviewed the test results and the inspections of an adequate sample
10 of the structure's welds, anchor bolts, and other structural elements.

11 (C) He or she has observed that the overhead nonstructural
12 elements, including, but not limited to, light fixtures, heating, and
13 air-conditioning diffusers are adequately braced or anchored.

14 The governing board of the school district shall submit the report
15 to the ~~Division of the State Architect~~ *building department of the*
16 *appropriate local jurisdiction* for its review. ~~The Division of the~~
17 ~~State Architect has one month to review the report for compliance~~
18 ~~with the above requirements, and to provide feedback to the~~
19 ~~structural engineer regarding any insufficiencies with the report,~~
20 ~~and whether or not the building is in substantial compliance with~~
21 ~~the requirements of the Field Act. If the Division of the State~~
22 ~~Architect does not respond within one month of the final and~~
23 ~~complete report being submitted, the Division of the State Architect~~
24 ~~will be deemed to have concurred with the structural engineer's~~
25 ~~report.~~ A final decision by the governing board of the school district
26 to occupy the building for school purposes shall not occur until
27 the governing board has reviewed and considered the feedback of
28 the ~~Division of the State Architect, or the one month review period~~
29 ~~has passed~~ *building department of the appropriate local*
30 *jurisdiction.*

31 No member of the governing board of a school district, nor any
32 employee of a school district, shall be held personally liable for
33 injury to persons or damage to property resulting from the fact that
34 the governing board of the school district used a commercial
35 building pursuant to this subdivision for a school and the building
36 was not constructed under the requirements of Section 17280. This
37 exemption from personal liability for members of the governing
38 board and employees of a school district is not intended to limit
39 the liability of the school district for injury to persons or damage
40 to property resulting from the fact that the governing board or any

1 employee of the school district used a commercial building
2 pursuant to this subdivision for a school and the building was not
3 constructed under the requirements of Section 17280. This
4 exemption from personal liability for members of the governing
5 board and employees of a school district is not intended to limit
6 the liability of the school district, the governing board or the
7 district's employees pursuant to Section 835 of the Government
8 Code. Section 17312 is not applicable to a person who, pursuant
9 to this section, leases or uses a building for a school building that
10 meets the requirements of this section but does not meet the
11 requirements of Section 17280. Approval and use of a building
12 pursuant to subdivision (b) of Section 17285 does not constitute
13 a violation of the Field Act.

14 (c) A building leased pursuant to Section 17280 may be used
15 after September 1, 1991, as a regional occupational center or
16 program that does not meet the requirements of Section 17280,
17 provided the building satisfies all of the following conditions:

18 (1) The facility is one of the following:

19 (A) A single-story, wood-framed structure.

20 (B) A single-story, light steel frame structure.

21 (C) A structure for which a structural engineer has submitted a
22 report that certifies that substantial structural hazards do not exist,
23 as to that structure. The governing board of the regional
24 occupational center or program, as provided for under Section
25 52310.5, shall review the report prior to approval of the lease and
26 may reject the report if there is any evidence of fraud regarding
27 the facts in the report.

28 (2) The building or structure complies with all applicable local
29 building standards and all applicable local health and safety
30 standards in the community in which it is located.

31 (3) The governing board of the regional occupational center or
32 program, as provided for under Section 52310.5, certifies to the
33 State Allocation Board that reasonable efforts have been made to
34 locate the regional occupational center or program in facilities that
35 conform to the seismic safety standards set forth in Part 2
36 (commencing with Section 2-101), Part 3 (commencing with
37 Section 3-089-1), Part 4 (commencing with Section 4-403), and
38 Part 5 (commencing with Section 5-102), of Title 24 of the
39 California Code of Regulations.

(d) On or before September 1, 1994, and every three years thereafter, each governing board of a regional occupational center or program shall report to the State Allocation Board on the facilities utilized for the operation of that center or program and on efforts to place the center or program in facilities that conform to the seismic safety standards described in paragraph (3) of subdivision (b).

SEC. 11. Section 17292 of the Education Code is amended to read:

17292. (a) Notwithstanding any provision of law, an owned or leased relocatable building that does not meet the requirements of Section 17280 may be used until September 30, 2015, as a school building, if all of the following conditions are met:

(1) The relocatable building was manufactured and was in use for classroom purposes on or before May 1, 2000, and bears a commercial coach insignia of approval from the Department of Housing and Community Development.

(2) The relocatable building is a single story structure with not more than 2,160 square feet of interior floor area when all sections are joined together.

(3) The relocatable building was constructed after December 19, 1979, and bears a commercial coach insignia of approval from the Department of Housing and Community Development.

(4) The bracing and anchoring of interior overhead nonstructural elements, such as light fixtures and heating and air-conditioning diffusers, and the foundation system complies with the applicable rules and regulations adopted pursuant to this article and published in Title 24 of the California Code of Regulations.

(5) The building construction, including associated site construction, except for the relocatable building defined in paragraph (2), complies with the applicable rules and regulations adopted pursuant to this article, Sections 4450 to 4458, inclusive, of the Government Code, and Section 13143 of the Health and Safety Code and the administrative and building standards published in Title 19 and Title 24 of the California Code of Regulations.

(6) The relocatable building is anchored to the ground to resist earthquake and wind loads.

(7) The school district has certified to the ~~Department of General Services~~ *building department of the appropriate local jurisdiction*

1 that the relocatable building complies with the requirements of
2 this subdivision.

3 (8) ~~The Department of General Services~~ *building department*
4 *of the appropriate local jurisdiction* has issued a certification of
5 compliance with the requirements of this article.

6 (b) ~~The Department of General Services~~ *building department*
7 *of the appropriate local jurisdiction* may assess fees to carry out
8 the requirements of this section. Fees imposed pursuant to this
9 subdivision shall be equal to the costs associated with making the
10 certifications and inspections required by, and otherwise enforcing,
11 this section and shall be deposited in the Public School Planning,
12 Design, and Construction Review Revolving Fund.

13 (c) For each relocatable building that was used as a school
14 building pursuant to this section, the governing board of the school
15 district shall adopt a resolution by October 30, 2015, certifying to
16 the State Allocation Board that commencing September 30, 2015,
17 the relocatable building is no longer being used as a school
18 building.

19 SEC. 12. Section 17295 of the Education Code is amended to
20 read:

21 17295. (a) ~~(1) The Department of General Services~~ *The*
22 *building department of the appropriate local jurisdiction* shall
23 pass upon and approve or reject all plans for the construction or,
24 if the estimated cost exceeds twenty-five thousand dollars
25 (\$25,000), the alteration of any school building.

26 ~~(2) To enable the Department of General Services to pass upon~~
27 ~~and approve plans pursuant to this subdivision, the governing board~~
28 ~~of each school district and any other school authority before~~
29 ~~adopting any plans for the school building shall submit the plans~~
30 ~~to the Department of General Services for approval, and shall pay~~
31 ~~the fees prescribed in this article.~~

32 (b) Notwithstanding subdivision (a) of Section 17295, where
33 the estimated cost of the reconstruction or alteration of, or an
34 addition to, any school building exceeds twenty-five thousand
35 dollars (\$25,000) but does not exceed one hundred thousand dollars
36 (\$100,000), a licensed structural engineer shall examine the
37 proposed project to determine if it is a nonstructural alteration or
38 a structural alteration. If he or she determines that the project is a
39 nonstructural alteration, he or she shall prepare a statement so
40 indicating. If he or she determines that the project is structural, he

1 or she shall prepare plans and specifications for the project which
2 shall be submitted to the ~~Department of General Services building~~
3 ~~department of the appropriate local jurisdiction~~ for review and
4 approval. A copy of the engineer's report stating that the work
5 does not affect structural elements shall be filed with the
6 ~~Department of General Services building department of the~~
7 ~~appropriate local jurisdiction.~~

8 (c) If a licensed structural engineer submits a report to the
9 ~~Department of General Services building department of the~~
10 ~~appropriate local jurisdiction~~ stating that the plans or activities
11 authorized pursuant to subdivision (b) do not involve structural
12 elements, ~~then all of the following shall apply to that project:~~

13 (1) ~~The~~ *the* design professional in responsible charge of the
14 project undertaken pursuant to this subdivision shall certify that
15 the plans and specifications for the project meet any applicable
16 fire and life safety standards, and do not affect the disabled access
17 requirements of Section 4450 of the Government Code, and shall
18 submit this certification to the *building* department. The letter of
19 certification shall bear the identifying licensing stamp or seal of
20 the design professional. This provision does not preclude a design
21 professional from submitting plans and specifications to the
22 *building* department along with the appropriate fee for review.

23 (2) ~~Within 10 days of the completion of any project authorized~~
24 ~~pursuant to subdivision (b), the school construction inspector of~~
25 ~~record on the project, who is certified by the department to inspect~~
26 ~~school buildings, shall certify in writing to the department that the~~
27 ~~reconstruction, alteration, or addition has been completed in~~
28 ~~compliance with the plans and specifications.~~

29 (3) ~~The dollar amounts cited in this section shall be increased~~
30 ~~on an annual basis, commencing January 1, 1999, by the~~
31 ~~department according to an inflationary index governing~~
32 ~~construction costs that is selected and recognized by the~~
33 ~~department.~~

34 (4) ~~No school district shall subdivide a project for the purpose~~
35 ~~of evading the limitation on amounts cited in this section.~~

36 (d) For purposes of this section, "design professional in
37 responsible charge" or "design professional" means the licensed
38 architect, licensed structural engineer, or licensed civil engineer
39 who is responsible for the completion of the design work involved
40 with the project.

1 SEC. 13. Section 17296 of the Education Code is repealed.

2 ~~17296. Notwithstanding any other provision of law, any~~
3 ~~school-based facility providing social services or support services,~~
4 ~~or health care, that is established through agreements with local~~
5 ~~governments and school districts pursuant to Chapter 5~~
6 ~~(commencing with Section 8800) of Part 6 or as part of an~~
7 ~~integrated children's services program pursuant to Chapter 12.9~~
8 ~~(commencing with Section 18986.40) of Part 6 of Division 9 of~~
9 ~~the Welfare and Institutions Code, respectively, is located on school~~
10 ~~property, and meets all the requirements of the Uniform Building~~
11 ~~Code and has been approved by the building department of the~~
12 ~~appropriate local jurisdiction, as well as those of the appropriate~~
13 ~~local jurisdiction, shall not be required to obtain approval of plans~~
14 ~~by the Department of General Services pursuant to Section 17295.~~

15 SEC. 14. Section 17297 of the Education Code is repealed.

16 ~~17297. Except as provided in Section 17298, before letting any~~
17 ~~contract for any construction or alteration of any school building,~~
18 ~~the written approval of the plans, as to safety of design and~~
19 ~~construction, by the Department of General Services, shall be first~~
20 ~~had and obtained.~~

21 SEC. 15. Section 17298 of the Education Code is repealed.

22 ~~17298. Before the commencement of any fabrication,~~
23 ~~construction, or alteration of a relocatable school building of a~~
24 ~~type previously approved by the Department of General Services,~~
25 ~~the written approval of the plans, as to the safety and design of~~
26 ~~construction, by the Department of General Services, shall be first~~
27 ~~had and obtained.~~

28 SEC. 16. Section 17299 of the Education Code is repealed.

29 ~~17299. In each case the application for approval of the plans~~
30 ~~shall be accompanied by the plans and full, complete, and accurate~~
31 ~~specifications, and structural design computations, and estimates~~
32 ~~of cost, which shall comply in every respect with any and all~~
33 ~~requirements prescribed by the Department of General Services.~~

34 SEC. 17. Section 17300 of the Education Code is repealed.

35 ~~17300. (a) The application shall be accompanied by a filing~~
36 ~~fee in amounts as determined by the Department of General~~
37 ~~Services based on the estimated cost of the work described in~~
38 ~~subdivision (a) of Section 17280, according to the following~~
39 ~~schedule:~~

1 ~~(1) For the first one million dollars (\$1,000,000), a fee of not~~
2 ~~more than 0.7 percent of the estimated cost.~~

3 ~~(2) For all costs in excess of one million dollars (\$1,000,000),~~
4 ~~a fee of not more than 0.6 percent of the estimated cost.~~

5 ~~The minimum fee in any case shall be two hundred fifty dollars~~
6 ~~(\$250). If the actual cost exceeds the estimated cost by more than~~
7 ~~5 percent, a further fee shall be paid to the Department of General~~
8 ~~Services, based on the above schedule and computed on the amount~~
9 ~~by which the actual cost exceeds the amount of the estimated cost.~~

10 ~~(b) The fees determined pursuant to subdivision (a) shall be~~
11 ~~paid in two installments, as specified by the Department of General~~
12 ~~Services. The first installment shall be in an amount equal to 70~~
13 ~~percent of the estimated cost calculated under subdivision (a), and~~
14 ~~shall be paid at the time the application is submitted to the~~
15 ~~department. The second installment shall be in an amount equal~~
16 ~~to 30 percent of the estimated cost calculated under subdivision~~
17 ~~(a), and shall be paid no later than five working days after the~~
18 ~~applicant accepts the bids for construction of the project for which~~
19 ~~the fees are paid. This subdivision shall become operative January~~
20 ~~1, 1994.~~

21 ~~(c) The fee shall be paid to the Department of General Services,~~
22 ~~including, but not limited to, a case in which the application is~~
23 ~~referred under Section 17306 to a qualified plan review firm.~~

24 ~~SEC. 18. Section 17301 of the Education Code is repealed.~~

25 ~~17301. (a) All fees received by the Department of General~~
26 ~~Services pursuant to this chapter shall be paid into the State~~
27 ~~Treasury and credited to the Public School Planning, Design, and~~
28 ~~Construction Review Revolving Fund, which is hereby created.~~
29 ~~Notwithstanding Section 13340 of the Government Code, all~~
30 ~~moneys in the fund are hereby continuously appropriated for~~
31 ~~expenditure by the Department of General Services to be applied,~~
32 ~~in the most efficient and expeditious manner possible, to the~~
33 ~~expenses associated with the review and approval of plans and~~
34 ~~specifications, and the supervision of public school building~~
35 ~~construction, pursuant to this article and Article 5 (commencing~~
36 ~~with Section 17350). The fees paid into the fund shall not be used~~
37 ~~for or diverted to any other program or purpose. Notwithstanding~~
38 ~~any other provision of law, any moneys in the Architecture Public~~
39 ~~Building Fund on the effective date of this section thereupon shall~~
40 ~~be transferred to the Public School Planning, Design, and~~

1 ~~Construction Review Revolving Fund for expenditure in~~
2 ~~accordance with this section.~~

3 ~~Adjustments in the amounts of the fees, as determined by the~~
4 ~~Department of General Services, may be made by the department~~
5 ~~within the limits set forth in Sections 17300 and 17352 in order~~
6 ~~to maintain a reasonable working balance in the fund.~~

7 ~~(b) The Department of Finance shall provide for the audit of~~
8 ~~the fund as needed to ensure that it is used solely for the purposes~~
9 ~~of this article and that the amount of the fee charged does not~~
10 ~~exceed what is necessary to cover the costs realized by the~~
11 ~~Department of General Services in carrying out its responsibilities~~
12 ~~pursuant to this article. The actual cost of the audit shall be paid~~
13 ~~from the fund.~~

14 ~~SEC. 19. Section 17303 of the Education Code is repealed.~~

15 ~~17303. (a) The Department of General Services shall establish~~
16 ~~one or more methods to ensure that each application has been~~
17 ~~completed sufficiently by the applicant to enable the plan review~~
18 ~~to be performed.~~

19 ~~(b) Upon receipt of a complete application, the Department of~~
20 ~~General Services shall inform the applicant of the period of time~~
21 ~~that it anticipates to elapse prior to commencing review of the~~
22 ~~applicant's plans. Within 10 days of being so notified, the applicant~~
23 ~~shall make an election to either use the Department of General~~
24 ~~Services for the review of the applicant's plan or, request that the~~
25 ~~plan review be performed by one or more qualified plan review~~
26 ~~firms pursuant to Sections 17305 and 17306. If the applicant elects~~
27 ~~to use the services of the Department of General Services for~~
28 ~~review of the applicant's plan, the department, as it deems~~
29 ~~necessary to expedite review of the applicant's plans, in addition~~
30 ~~to making a good faith effort to hire state employees, shall do one~~
31 ~~or more of the following:~~

32 ~~(1) Contract for assistance from one or more qualified plan~~
33 ~~review firms pursuant to Section 17305.~~

34 ~~(2) Employ additional staff on a temporary basis.~~

35 ~~(3) Maximize the use of department staff through the use of~~
36 ~~overtime or other appropriate means.~~

37 ~~(4) Any other action determined by the department to have the~~
38 ~~effect of expediting the review and approval process.~~

39 ~~(c) Each application shall identify, for purposes of receiving~~
40 ~~the notifications required under this subdivision, an employee of~~

1 the applicant school district and either the applicant's architect or
2 structural engineer. The Department of General Services
3 immediately shall notify that employee, and the identified architect
4 or structural engineer, when each of the following steps in the plan
5 review process occurs:

6 (1) The department requests the applicant's architect or structural
7 engineer to correct or complete any part of the application.

8 (2) An application number is assigned to the application.

9 (3) Review of the applicant's plans is commenced.

10 (4) Review of the applicant's plans is completed and the
11 department returns the plans to the architect or structural engineer
12 for correction.

13 (5) Corrected plans are returned to the department by the
14 applicant's architect or structural engineer for final review and
15 approval.

16 (6) The department approves the plans and causes a final record
17 set of the plans to be printed in accordance with Section 17304.

18 (d) The Department of General Services may provide additional
19 notifications to applicants as it deems necessary.

20 SEC. 20. Section 17304 of the Education Code is repealed.

21 17304. (a) Upon approving the plans submitted by an applicant
22 pursuant to this article, the Department of General Services shall
23 cause a final record set of the plans to be printed. The department
24 may contract with one or more private entities to perform that
25 printing at one or more of the regional area offices of the
26 department. The costs incurred pursuant to this subdivision shall
27 be paid by the applicant.

28 (b) No later than five working days after approving plans
29 submitted by an applicant pursuant to this article, the department
30 shall issue a final letter of approval to the applicant.

31 SEC. 21. Section 17305 of the Education Code is repealed.

32 17305. (a) Unless the context otherwise requires, the
33 definitions set forth in this section govern the construction of this
34 article.

35 (1) "Prequalified list" means a list of qualified firms established
36 by the Department of General Services to perform specific types
37 of plan review services.

38 (2) "Qualified plan review firm" means an individual, firm, or
39 the building official of a city, a county, or a city and county, as
40 defined in Section 18949.27 of the Health and Safety Code, or the

1 authorized representative of the building official that is identified
2 by the Department of General Services as having appropriate
3 expertise and knowledge of the requirements that apply to school
4 buildings under this article.

5 (b) The department shall establish and maintain a list of qualified
6 plan review firms, and shall make that list available, upon request,
7 to school districts and other interested parties.

8 (c) Notwithstanding Section 14952 of the Government Code,
9 the Department of General Services shall contract with sufficient
10 numbers of qualified plan review firms for assistance in performing
11 the plan review required under the Field Act.

12 (d) At the discretion of the Department of General Services,
13 contracts for a qualified plan review firm made pursuant to this
14 article may be advertised and awarded in accordance with this
15 section.

16 (e) (1) The Department of General Services may establish
17 prequalified lists of qualified firms in accordance with this
18 subdivision.

19 (2) (A) For each type of plan review for which the department
20 elects to use the process established by this section for advertising
21 and awarding contracts, the Department of General Services may
22 request statements of qualifications from interested firms.

23 (B) The request for statements of qualifications shall be
24 announced statewide through the California State Contracts
25 Register and publications of relevant professional societies.

26 (C) Each announcement shall describe the general scope of
27 services to be provided within each generic project category for
28 plan review services that the Department of General Services
29 anticipates may be awarded during the period covered by the
30 announcement. For the purposes of this section, a generic project
31 category shall be defined in a manner that each specific project to
32 be awarded within that discipline meets all of the following
33 requirements:

34 (i) The project is substantially similar to all other projects within
35 that discipline.

36 (ii) The project is within the same size range and geographical
37 area.

38 (iii) The project requires substantially similar skills and
39 magnitude of professional effort as compared to every other project
40 within that discipline.

~~(3) The Department of General Services shall evaluate the statements of qualifications, and develop a list of qualified plan review firms that meet the criteria established and published by the Department of General Services. Interviews may be held to determine a plan review firm's qualifications. Lists of qualified plan review firms shall be maintained by the Department of General Services for not more than four years.~~

~~(4) During the term of a prequalified list, as specific projects are identified by the Department of General Services as being eligible for contracting, the Department of General Services shall contact a firm on the prequalified list, on a rotational basis, for both of the following purposes:~~

~~(A) To distribute the work in a fair and equitable manner.~~

~~(B) To determine that the firm has sufficient staff and is available for performance of the project.~~

~~(5) If the contacted firm is not available, the Department of General Services shall continue to contact firms on the prequalified list, on a rotational basis, until an available firm is identified.~~

~~(6) The Department of General Services shall negotiate a contract for the services with the identified firm, including a price and timeframe that it determines is fair and reasonable.~~

~~(7) If the identified plan review firm is unable to negotiate a satisfactory contract with the Department of General Services, the department shall terminate negotiations, and shall undertake new negotiations, on a rotational basis, with the next firm available for performance from the prequalified list until a successful negotiation is achieved. If the Department of General Services is unable to negotiate a satisfactory contract with a firm on two separate occasions, that firm may be removed from the prequalified list.~~

~~(f) Contracts for plan review services that the Department of General Services elects to advertise and award in accordance with this section are not subject to Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.~~

~~SEC. 22. Section 17306 of the Education Code is repealed.~~

~~17306. (a) Upon submitting a complete application for review under this article, the applicant may request that the Department of General Services refer the documents necessary for the review of that application to a qualified plan review firm operating under contract with the department pursuant to Section 17305. The department immediately shall grant the request and refer the~~

1 necessary documents to a qualified plan review firm if the applicant
2 so requests.

3 Upon completing the review, the qualified plan review firm shall
4 submit the documents referred to it for the review of the
5 application, together with the results of its review, to the
6 Department of General Services.

7 ~~(b) The Department of General Services shall establish a~~
8 ~~procedure governing the use by applicants of the review process~~
9 ~~alternative described in this section, including, but not limited to,~~
10 ~~provisions restricting the use of qualified plan review firms on the~~
11 ~~basis of conflict of interest.~~

12 SEC. 23. Section 17307 of the Education Code is amended to
13 read:

14 17307. No contract for the construction or alteration of any
15 school building, made or executed by the governing board of any
16 school district or other public board, body, or officer otherwise
17 vested with authority to make or execute a contract, is valid, and
18 no public money shall be paid for any work done under a contract
19 or for any labor or materials furnished in constructing or altering
20 any building, unless the plans, specifications, and estimates comply
21 in every particular with the provisions of this article ~~and the~~
22 ~~requirements prescribed by the Department of General Services~~
23 ~~and unless the approval thereof in writing has first been had and~~
24 ~~obtained from the Department of General Services.~~

25 SEC. 24. Section 17307.5 of the Education Code is repealed.

26 ~~17307.5.—(a) Notwithstanding any provision of law to the~~
27 ~~contrary, including, but not limited to, Title 15 (commencing with~~
28 ~~Section 3082) of Part 4 of the Civil Code, the Department of~~
29 ~~General Services may issue a stop work order when construction~~
30 ~~work on a public school is not being performed in accordance with~~
31 ~~existing law and would compromise the structural integrity of the~~
32 ~~building, thereby endangering the public safety. The Department~~
33 ~~of General Services shall allow construction of incidental and~~
34 ~~minor nonstructural additions or nonstructural alterations without~~
35 ~~invoking its stop work authority.~~

36 ~~(b) A school district, county superintendent of schools, county~~
37 ~~board of education, or other public board, body, or officer whose~~
38 ~~construction work on a public school is subject to a stop work~~
39 ~~order issued pursuant to subdivision (a) shall not be held liable in~~
40 ~~any action filed against the public board, body, or officer for~~

1 stopping work as required by the stop work order, or for any delays
2 caused by compliance with the stop work order, except to the extent
3 that an error or omission by the public board, body, or officer is
4 the basis for the issuance of the stop work order.

5 SEC. 25. Section 17308 of the Education Code is repealed.

6 ~~17308. (a) The Legislature finds and declares that a number~~
7 ~~of serious discrepancies in the interpretation of the structural~~
8 ~~standards and architectural barrier requirements that apply to school~~
9 ~~buildings under this chapter, and of the plan review procedures~~
10 ~~that apply under this chapter, exist within the Department of~~
11 ~~General Services, and within and between various firms utilized~~
12 ~~by the department on a contract basis, applicant school districts,~~
13 ~~and architects and structural engineers utilized by applicant school~~
14 ~~districts.~~

15 ~~(b) The Department of General Services shall provide training,~~
16 ~~on an ongoing basis, to its employees and to the employees of~~
17 ~~architectural and structural engineering firms that contract with~~
18 ~~the department for the purposes of this chapter. The training shall~~
19 ~~address all phases of the plan review process established under~~
20 ~~this chapter, and shall be designed to ensure that all individuals~~
21 ~~who develop and review school building plans obtain sufficient~~
22 ~~knowledge of the rules, regulations, and standards that apply under~~
23 ~~this chapter.~~

24 ~~(c) The department shall make the training described in~~
25 ~~subdivision (b) available to the employees of architectural and~~
26 ~~structural engineering firms that contract with applicant school~~
27 ~~districts for the purpose of this chapter, and to any other~~
28 ~~individuals, firms, and government agencies that are involved in~~
29 ~~school building design, construction, or inspection and that may~~
30 ~~benefit from the training. The department may charge a fee for~~
31 ~~training provided pursuant to this subdivision.~~

32 ~~(d) The department shall develop and publish interpretations of~~
33 ~~the structural standards, architectural barrier requirements, and~~
34 ~~review procedures referred to in subdivision (a) as may be~~
35 ~~necessary to remedy the interpretational discrepancies described~~
36 ~~in that subdivision. These interpretational materials shall be~~
37 ~~updated at least annually.~~

38 SEC. 26. Section 17309 of the Education Code is repealed.

39 ~~17309. From time to time, as the work of construction or~~
40 ~~alteration progresses and whenever the Department of General~~

1 Services requires, the licensed architect or structural engineer in
2 charge of observation of construction or registered engineer in
3 charge of observation of other work, the inspector on the work,
4 and the contractor shall each make to the Department of General
5 Services a report, duly verified by him or her, upon a form
6 prescribed by the Department of General Services, based upon his
7 or her own personal knowledge, indicating that the work during
8 the period covered by the report has been performed and materials
9 have been used and installed, in every material respect, in
10 compliance with the approved plans and specifications, setting
11 forth such detailed statements of fact as are required by the
12 Department of General Services.

13 The term "personal knowledge" as used in this section and as
14 applied to the architect, and the registered engineer, means the
15 personal knowledge which is obtained from periodic visits to the
16 project site of reasonable frequency for the purpose of general
17 observation of the work, and also which is obtained from the
18 reporting of others as to the progress of the work, testing of
19 materials, inspection and superintendence of the work that is
20 performed between the above-mentioned periodic visits of the
21 architect or the registered engineer. The exercise of reasonable
22 diligence to obtain the facts is required.

23 The term "personal knowledge" as applied to the inspector means
24 the actual personal knowledge which is obtained from his or her
25 personal continuous inspection of the work of construction in all
26 stages of its progress at the site where he is responsible for
27 inspection and, when work is carried out away from the site, that
28 personal knowledge which is obtained from the reporting of others
29 on the testing or inspection of materials and workmanship for
30 compliance with plans, specifications or applicable standards. The
31 exercise of reasonable diligence to obtain the facts is required.

32 The term "personal knowledge" as applied to the contractor
33 means the personal knowledge which is obtained from the
34 construction of the building. The exercise of reasonable diligence
35 to obtain the facts is required.

36 SEC. 27. Section 17310 of the Education Code is repealed.

37 17310. Except as provided in Section 18930 of the Health and
38 Safety Code, the Department of General Services may from time
39 to time make such rules and regulations as it deems necessary,
40 proper, or suitable to carry out the provisions of this article.

1 ~~The Department of General Services shall adopt and submit~~
2 ~~building standards for approval pursuant to Chapter 4 (commencing~~
3 ~~with Section 18935) of Part 2.5 of Division 13 of the Health and~~
4 ~~Safety Code for the purposes described in this article.~~

5 SEC. 28. Section 17311 of the Education Code is repealed.

6 ~~17311. (a) The Department of General Services shall make~~
7 ~~such inspection of the school buildings and of the work of~~
8 ~~construction or alteration as in its judgment is necessary or proper~~
9 ~~for the enforcement of this article and the protection of the safety~~
10 ~~of the pupils, the teachers, and the public. The school district, city,~~
11 ~~city and county, or the political subdivision within the jurisdiction~~
12 ~~of which any school building is constructed or altered shall provide~~
13 ~~for and require competent, adequate, and continuous inspection~~
14 ~~during construction or alteration by an inspector satisfactory to~~
15 ~~the architect or structural engineer and the Department of General~~
16 ~~Services. The inspector shall act under the direction of the~~
17 ~~governing board and architect or structural engineer as the board~~
18 ~~may direct. The inspector shall be responsible to the governing~~
19 ~~board for employment purposes. The inspector shall be responsible~~
20 ~~to the Department of General Services for enforcement of the plans~~
21 ~~and specifications of the school project.~~

22 ~~(b) In order to ensure the competency and adequacy of the~~
23 ~~inspectors required under this article, the Department of General~~
24 ~~Services shall do all of the following:~~

25 ~~(1) Revise the examination used to determine the competency~~
26 ~~of those who provide inspections pursuant to this article. The~~
27 ~~revision of the examination shall include techniques of inspection,~~
28 ~~construction, plan reading, required submittal documents, and~~
29 ~~knowledge of statutes and regulations that apply to school~~
30 ~~construction. The revision of the examination shall be done not~~
31 ~~later than 48 months after the last revision and not earlier than 36~~
32 ~~months after the last revision.~~

33 ~~(2) Provide training on an ongoing basis to all individuals who~~
34 ~~provide the inspections required under this article. The training~~
35 ~~shall be designed to ensure that all individuals who provide the~~
36 ~~continuous inspection of school building construction or alteration~~
37 ~~are sufficiently knowledgeable of the rules, regulations, and~~
38 ~~standards that apply under this article.~~

39 ~~(3) Require evaluation of the competency of those who provide~~
40 ~~inspections pursuant to this article. After an initial evaluation a~~

1 ~~reevaluation shall occur not later than 48 months after the last~~
2 ~~evaluation or reevaluation and not earlier than 36 months after the~~
3 ~~last evaluation or reevaluation. An evaluation or reevaluation shall~~
4 ~~include passage of the examination used to determine competence~~
5 ~~specified in paragraph (1) and attendance at training specified in~~
6 ~~paragraph (2).~~

7 ~~(e) The Department of General Services may require a fee from~~
8 ~~all individuals applying for evaluation or reevaluation pursuant to~~
9 ~~subdivision (b), and a fee for the examination administered in the~~
10 ~~evaluation or reevaluation. The fees shall not be more than the~~
11 ~~reasonable costs associated with the development and~~
12 ~~administration of the examination and the training.~~

13 SEC. 29. Section 17313 of the Education Code is repealed.

14 ~~17313. Upon written request by the governing board of any~~
15 ~~school district or upon written request by at least 10 percent of the~~
16 ~~parents having children enrolled as pupils in any school district as~~
17 ~~certified to by the county superintendent of schools, the Department~~
18 ~~of General Services shall make an examination and report on the~~
19 ~~structural condition of any public school building of the district,~~
20 ~~subject to the payment by the governing board of the actual~~
21 ~~expenses incurred by the Department of General Services. Payment~~
22 ~~of the expenses may be waived by the Department of General~~
23 ~~Services on recommendation of the State Superintendent of Public~~
24 ~~Instruction when it appears to him or her that the school district~~
25 ~~in which the public school building is located cannot afford to pay~~
26 ~~them.~~

27 SEC. 30. Section 17314 of the Education Code is repealed.

28 ~~17314. Any public school building which has been approved~~
29 ~~by the Department of General Services (formerly Division of~~
30 ~~Architecture) for occupancy shall be deemed to meet the local~~
31 ~~building requirements for use as a private school.~~

32 SEC. 31. Section 17315 of the Education Code is repealed.

33 ~~17315. (a) When a school building constructed in accordance~~
34 ~~with plans and specifications approved by the Department of~~
35 ~~General Services is completed, the notice of completion is filed,~~
36 ~~and all final verified reports and all testing and inspection~~
37 ~~documents, as required by this article or as required by the rules~~
38 ~~and regulations adopted pursuant to this article, are submitted to~~
39 ~~and on file with the Department of General Services, and all~~
40 ~~required fees paid by the school district, the department shall issue~~

1 a certification that the school building complies with the
2 requirements of this article. Nothing in this article shall prevent
3 beneficial occupancy by a school district prior to the issuance of
4 this certification.

5 (b) When a school building, constructed in accordance with
6 approved plans and specifications, is completed but final verified
7 reports, as are required under Section 39151, have not been
8 submitted to the Department of General Services due to the
9 incapacitating illness, death, or the default of any persons required
10 to file such reports, the Department of General Services shall, upon
11 written request of the school district, review all of the project
12 records and make such examinations as it deems necessary to
13 enable it to certify that the school building otherwise complies
14 with the requirements of this article. The Department of General
15 Services may request the school district to have made, reported,
16 and verified any other tests and inspections which the department
17 deems necessary to complete its examinations of the construction.

18 (c) The costs incurred by the Department of General Services
19 in connection with this section shall be paid by the school district.
20 The actual costs to perform the examinations, tests, and inspections
21 shall be an appropriate cost of the project to be paid from the
22 building funds of the district. Certification of the project by the
23 Department of General Services shall be withheld until all the costs
24 have been paid by the school district.

25 (d) This section shall not relieve any individual of his or her
26 responsibility to file verified reports, as required in Section 17309,
27 or any other documents required by the rules and regulations
28 adopted pursuant to this article. This section shall not abrogate the
29 provisions of Section 17312.

30 SEC. 32. Section 17317 of the Education Code is repealed.

31 17317. (a) The Department of General Services shall, in
32 consultation with the Seismic Safety Commission, conduct an
33 inventory of public school buildings that are concrete tilt-up school
34 buildings and school buildings with nonwood frame walls that do
35 not meet the minimum requirements of the 1976 Uniform Building
36 Code. Priority shall be given to the school buildings identified in
37 the act that added this section that are in the highest seismic risk
38 zones in accordance with the seismic hazard maps of the Division
39 of Mines and Geology of the Department of Conservation.

1 ~~(b) The Department of General Services shall submit a report~~
2 ~~by December 31, 2001, to the Legislature and the Governor that~~
3 ~~summarizes the findings of the seismic safety inventory and makes~~
4 ~~recommendations about future actions that should be taken to~~
5 ~~address the problems found by the seismic safety inventory. The~~
6 ~~report shall not identify individual schoolsites on which inventoried~~
7 ~~school buildings are located.~~

8 SEC. 33. Article 3.3 (commencing with Section 17319) of
9 Chapter 3 of Part 10.5 of Division 1 of Title 1 of the Education
10 Code is repealed.

11 SEC. 34. Section 17351 of the Education Code is repealed.

12 ~~17351. Except as provided in Section 18930 of the Health and~~
13 ~~Safety Code, the Department of General Services shall adopt~~
14 ~~regulations for the safety of design and construction of factory-built~~
15 ~~buildings for use as school buildings, and shall prescribe procedures~~
16 ~~for the plans, specifications, methods of construction, and estimates~~
17 ~~of cost of a factory-built school building to be submitted to the~~
18 ~~department for approval as provided in Section 17352. Except as~~
19 ~~provided in Section 18930 of the Health and Safety Code, such~~
20 ~~regulations shall comply with but not be limited by the provisions~~
21 ~~of Article 2 (commencing with Section 17260) and Article 3~~
22 ~~(commencing with Section 17280) of this chapter.~~

23 ~~The Department of General Services shall adopt and submit~~
24 ~~building standards for approval pursuant to Chapter 4 (commencing~~
25 ~~with Section 18935) of Part 2.5 of Division 13 of the Health and~~
26 ~~Safety Code for the purposes described in this section.~~

27 SEC. 35. Section 17352 of the Education Code is amended to
28 read:

29 17352. A manufacturer of factory-built buildings designed or
30 intended for use as school buildings shall submit to the Department
31 of General Services *building department of the appropriate local*
32 *jurisdiction* and the State Department of Education for approval,
33 its plans, specifications, methods of construction, and estimates
34 of cost of such buildings. At the same time the manufacturer shall
35 pay to the Department of General Services a deposit to be applied
36 toward the actual expenses in an amount as determined by the
37 Department of General Services based on the estimated cost of
38 such factory-built buildings, but not exceeding 0.5 percent of such
39 estimated cost. The minimum deposit in any case shall be fifty
40 dollars (\$50). The manufacturer shall reimburse the Department

1 of General Services and the State Department of Education for the
2 actual expenses incurred by those departments in the review of
3 such plans and specifications.

4 All fees received by the Department of General Services pursuant
5 to this article are subject to the provisions of Section 17301.

6 SEC. 36. Section 17354 of the Education Code is amended to
7 read:

8 17354. The Department of General Services, in accordance
9 with standards and procedures adopted pursuant to Section 17351,
10 and as such standards and procedures may thereafter be modified,
11 *building department of the appropriate local jurisdiction* shall
12 either approve or reject such the plans, specifications, and methods
13 of construction. Approval shall not be given unless such plans,
14 specifications, and methods of construction are in accordance with
15 standards adopted by the department pursuant to Section 17351.
16 The department may establish procedures for the inspection of the
17 facilities and manufacturing processes of a manufacturer to
18 determine the manufacturer's ability to produce factory-built school
19 buildings in accordance with the plans, specifications, and methods
20 of construction which the manufacturer has submitted to the
21 department. The Department of General Services shall notify the
22 State Department of Education of its approval of a manufacturer's
23 plans, specifications, and methods of construction of a factory-built
24 school building.

25 SEC. 37. Section 17355 of the Education Code is repealed.

26 17355. The Department of General Services shall provide for
27 competent, adequate, and continuous inspection during construction
28 in the factory to insure that all work has been performed and
29 materials used and installed, in every particular, in accordance
30 with the approved plans and specifications. The manufacturer shall
31 reimburse the department for the costs incurred for such inspection
32 as determined by the department.

33 SEC. 38. Section 17356 of the Education Code is repealed.

34 17356. From time to time, as the work of construction in the
35 factory progresses and whenever the Department of General
36 Services requires, the certified architect or structural engineer in
37 responsible charge of the supervision of the work of construction
38 in the factory, the inspector on the work, and the manufacturer
39 shall each make to the Department of General Services a report,
40 duly verified by him or her, upon a form prescribed by the

1 Department of General Services, showing, of his or her own
2 personal knowledge, that the work during the period covered by
3 the report has been performed, and materials used and installed,
4 in every particular, in accordance with the approved plans and
5 specification, setting forth such detailed statements of fact as are
6 required by the Department of General Services.

7 SEC. 39. Section 17357 of the Education Code is repealed.

8 17357. Upon the Department of General Services' approval of
9 a manufacturer's plans, specifications, and methods of construction
10 of a factory-built school building, a school district, whenever it is
11 otherwise required by any of the provisions of Article 2
12 (commencing with Section 17260), or Article 3 (commencing with
13 Section 17280) of this chapter to submit to the Department of
14 General Services or to the State Department of Education the plans
15 and specifications for the construction of a school building may,
16 instead, include in its application for approval to each of such
17 departments a notification that it intends to utilize such factory-built
18 school building. The plans and specifications for the factory-built
19 building to be utilized shall be submitted with the application and
20 notification for identification purposes. Before granting its approval
21 for the use of such buildings, the Department of General Services
22 shall insure that the plans, specifications, and methods of
23 construction of the buildings have been approved and are in
24 accordance with standards adopted by the department pursuant to
25 Section 17351 which are in effect at the time the application for
26 approval is passed upon by the department. Whenever a school
27 district complies with the alternative procedure prescribed by this
28 section it shall not be required to pay the filing fee prescribed by
29 Sections 17267 and 17300, except that a fee shall be charged for
30 onsite work pursuant to Section 17358. If the submitted plans and
31 specifications have not been previously approved the application
32 shall be rejected. In such case a new application together with
33 required documents shall be filed for approval of plans and
34 specifications by either the manufacturer pursuant to the provisions
35 of Section 17352 or by the school district pursuant to the provisions
36 of Article 3 (commencing with Section 17280) of this chapter.

37 SEC. 40. Section 17358 of the Education Code is repealed.

38 17358. Whenever a school district has contracted for the
39 purchase or lease of a factory-built school building and where such
40 building is to be supported by foundations, underpinning, pedestals,

1 or similar type elements which extend more than 18 inches above
2 natural grade at any point, or on temporary blocks or jacks of any
3 height, all the provisions of Article 3 (commencing with Section
4 17280) of this chapter shall apply to the design and construction
5 of onsite work except that, for fee purposes, only the estimated
6 cost of onsite work need be considered. The minimum amount in
7 any case shall be fifty dollars (\$50).

8 SEC. 41. Section 17359 of the Education Code is repealed.

9 ~~17359. The provisions of Sections 17266, 17268, 17300, 17302,~~
10 ~~and 17309 shall not apply with respect to the manufacture, sale,~~
11 ~~or lease of factory-built school buildings if this article is otherwise~~
12 ~~complied with.~~

13 SEC. 42. Section 17360 of the Education Code is repealed.

14 ~~17360. Sections 17297, 17302, 17307, 17309, and 17311 shall~~
15 ~~not apply with respect to the design and construction of onsite~~
16 ~~work except where required by Section 17358.~~

17 SEC. 43. Section 81130 of the Education Code is repealed.

18 ~~81130. (a) The Department of General Services under the~~
19 ~~police power of the state shall supervise the design and construction~~
20 ~~of any school building or the reconstruction or alteration of, or~~
21 ~~addition to, any school building, if not exempted under Section~~
22 ~~81133, to ensure that plans and specifications comply with the~~
23 ~~rules and regulations adopted pursuant to this article and building~~
24 ~~standards published in Title 24 of the California Code of~~
25 ~~Regulations, and to ensure that the work of construction has been~~
26 ~~performed in accordance with the approved plans and~~
27 ~~specifications, for the protection of life and property. Nothing in~~
28 ~~this section shall be construed to allow a community college district~~
29 ~~to perform work with its own forces in excess of the limitations~~
30 ~~set forth in Article 41 (commencing with Section 20650) of Part~~
31 ~~3 of Division 2 of the Public Contract Code.~~

32 ~~(b) Whenever repairs due to fire damage must be made to any~~
33 ~~school building previously approved by the Department of General~~
34 ~~Services, the approved plans and specifications used in the original~~
35 ~~work under then existing rules, regulations, and building standards~~
36 ~~may be used without modification, providing all other provisions~~
37 ~~of this article are carried out.~~

38 SEC. 44. Section 81130.3 of the Education Code is repealed.

39 ~~81130.3. This article, together with Article 3 (commencing~~
40 ~~with Section 17280) and Article 6 (commencing with Section~~

1 17365) of Chapter 3 of Part 10.5 and Article 3 (commencing with
2 Section 81050), shall be known and may be cited as the “Field
3 Act.”

4 SEC. 45. Section 81133 of the Education Code is amended to
5 read:

6 ~~81133. (a) The Department of General Services shall pass~~
7 ~~upon, and approve or reject, all plans for the construction or, if the~~
8 ~~estimated cost exceeds twenty-five thousand dollars (\$25,000);~~
9 ~~the alteration of any school building. To enable it to do so, the~~
10 ~~governing board of each community college district and any other~~
11 ~~school authority before adopting any plans for the school building~~
12 ~~shall submit the plans to the Department of General Services for~~
13 ~~approval, and shall pay the fees prescribed in this article.~~

14 ~~(b) Notwithstanding subdivision (a), where~~

15 ~~81133. (a) If the estimated cost of reconstruction or alteration~~
16 ~~of, or addition to, a school building exceeds twenty-five thousand~~
17 ~~dollars (\$25,000), but does not exceed one hundred thousand~~
18 ~~dollars (\$100,000), a licensed structural engineer shall examine~~
19 ~~the proposed project to determine if it is a nonstructural alteration~~
20 ~~or a structural alteration. If he or she determines that the project~~
21 ~~is a nonstructural alteration, he or she shall prepare a statement so~~
22 ~~indicating. If he or she determines that the project is structural, he~~
23 ~~or she shall prepare plans and specifications for the project which~~
24 ~~shall be submitted to the Department of General Services building~~
25 ~~department of the appropriate local jurisdiction for review and~~
26 ~~approval. A copy of the engineer’s report stating that the work~~
27 ~~does not affect structural elements shall be filed with the~~
28 ~~Department of General Services building department of the~~
29 ~~appropriate local jurisdiction.~~

30 ~~(e)~~

31 ~~(b) If a licensed structural engineer submits a report to the~~
32 ~~Department of General Services building department of the~~
33 ~~appropriate local jurisdiction stating that the plans or activities~~
34 ~~authorized pursuant to subdivision (b) do not involve structural~~
35 ~~elements, then all of the following shall apply to that project:~~

36 (1) The design professional in responsible charge of the project
37 undertaken pursuant to this subdivision shall certify that the plans
38 and specifications for the project meet any applicable fire and life
39 safety standards, and do not affect the disabled access requirements
40 of Section 4450 of the Government Code, and shall submit this

1 certification to the *building department of the appropriate local*
2 *jurisdiction*. The letter of certification shall bear the identifying
3 licensing stamp or seal of the design professional. This provision
4 does not preclude a design professional from submitting plans and
5 specifications to the department along with the appropriate fee for
6 review.

7 (2) Within 10 days of the completion of any project authorized
8 pursuant to subdivision (b), the school construction inspector of
9 record on the project, who is certified by the department to inspect
10 school buildings, shall certify in writing to the *building department*
11 *of the appropriate local jurisdiction* that the reconstruction,
12 alteration, or addition has been completed in compliance with the
13 plans and specifications.

14 ~~(3) The dollar amounts cited in this section shall be increased~~
15 ~~on an annual basis, commencing January 1, 1999, by the~~
16 ~~department according to an inflationary index governing~~
17 ~~construction costs that is selected and recognized by the~~
18 ~~department.~~

19 (4)

20 (3) No school district shall subdivide a project for the purpose
21 of evading the limitation on amounts cited in this section.

22 (5)

23 (4) Before letting any contract for any construction or alteration
24 of any school building, the written approval of the plans, as to
25 safety of design and construction, by the ~~Department of General~~
26 ~~Services~~ *building department of the appropriate local jurisdiction*,
27 shall first be had and obtained.

28 ~~(6) In each case the application for approval of the plans shall~~
29 ~~be accompanied by the plans and full, complete, and accurate~~
30 ~~specifications, and structural design computations, and estimates~~
31 ~~of cost, which shall comply in every respect with any and all~~
32 ~~requirements prescribed by the Department of General Services.~~

33 ~~(7) (A) The application shall be accompanied by a filing fee in~~
34 ~~amounts as determined by the Department of General Services~~
35 ~~based on the estimated cost according to the following schedule:~~

36 ~~(i) For the first one million dollars (\$1,000,000), a fee of not~~
37 ~~more than 0.7 percent of the estimated cost.~~

38 ~~(ii) For all costs in excess of one million dollars (\$1,000,000),~~
39 ~~a fee of not more than 0.6 percent of the estimated cost.~~

1 ~~(B) The minimum fee in any case shall be two hundred fifty~~
2 ~~dollars (\$250). If the actual cost exceeds the estimated cost by~~
3 ~~more than 5 percent, a further fee shall be paid to the Department~~
4 ~~of General Services, based on the above schedule and computed~~
5 ~~on the amount by which the actual cost exceeds the amount of the~~
6 ~~estimated cost.~~

7 ~~(8) (A) All fees collected under this article shall be paid into~~
8 ~~the State Treasury and credited to the Public School Planning,~~
9 ~~Design, and Construction Review Revolving Fund, and are~~
10 ~~continuously appropriated, without regard to fiscal years, for the~~
11 ~~use of the Department of General Services, subject to approval of~~
12 ~~the Department of Finance, in carrying out this article.~~

13 ~~(B) Adjustments in the amounts of the fees, as determined by~~
14 ~~the Department of General Services and approved by the~~
15 ~~Department of Finance, shall be made within the limits set in~~
16 ~~paragraph (7) in order to maintain a reasonable working balance~~
17 ~~in the fund.~~

18 ~~(9)~~

19 ~~(5) No contract for the construction or alteration of any school~~
20 ~~building, made or executed by the governing board of any~~
21 ~~community college district or other public board, body, or officer~~
22 ~~otherwise vested with authority to make or execute this contract,~~
23 ~~is valid, and no public money shall be paid for any work done~~
24 ~~under this contract or for any labor or materials furnished in~~
25 ~~constructing or altering the building, unless the plans,~~
26 ~~specifications, and estimates comply in every particular with the~~
27 ~~provisions of this article and the requirements prescribed by the~~
28 ~~Department of General Services and unless the approval thereof~~
29 ~~in writing has first been had and obtained from the Department of~~
30 ~~General Services.~~

31 ~~(d)~~

32 ~~(c) For purposes of this section, “design professional in~~
33 ~~responsible charge” or “design professional” means the licensed~~
34 ~~architect, licensed structural engineer, or licensed civil engineer~~
35 ~~who is responsible for the completion of the design work involved~~
36 ~~with the project.~~

37 ~~SEC. 46. Section 81133.1 of the Education Code is repealed.~~

38 ~~81133.1. (a) The Legislature finds and declares all of the~~
39 ~~following:~~

1 ~~(1) The purpose of the collaborative process for project~~
2 ~~development and review is to ensure the public safety of~~
3 ~~community college facilities through a collaborative, consistent~~
4 ~~and timely project development and review process.~~

5 ~~(2) The collaborative process for project development and~~
6 ~~review may be made available, as an alternative to the traditional~~
7 ~~plan review and approval process, to community college districts~~
8 ~~that voluntarily apply to the Department of General Services.~~

9 ~~(3) This process entails the early participation of all parties~~
10 ~~involved in a project from project development and continuing~~
11 ~~through plan review, construction and certification of community~~
12 ~~college facilities projects. These parties include, but are not limited~~
13 ~~to, the Department of General Services' staff and their qualified~~
14 ~~plan review firms, and community college districts and their design~~
15 ~~professionals.~~

16 ~~(b) In consultation with the Board of Governors of the California~~
17 ~~Community Colleges, the Department of General Services shall~~
18 ~~establish procedures and requirements governing the use of the~~
19 ~~collaborative process for project development and review~~
20 ~~alternative. These procedures and requirements shall include an~~
21 ~~application and selection process. Upon project selection, the~~
22 ~~Department of General Services and the community college district~~
23 ~~shall mutually agree to the roles and responsibilities of the~~
24 ~~Department of General Services, the applicant community college~~
25 ~~district, and its design professionals.~~

26 ~~(c) As a part of the establishment of the requirements for the~~
27 ~~collaborative process for project development and review, the~~
28 ~~Department of General Services, in consultation with participating~~
29 ~~community college districts, shall establish mutually determined~~
30 ~~timeframe goals for a project's plan review, district and consultant~~
31 ~~response, response review, and final approval. Those timeframe~~
32 ~~goals shall reflect the project's estimated construction cost,~~
33 ~~complexity, size, and other requirements of the collaborative~~
34 ~~process for project development and review.~~

35 ~~(d) The Department of General Services shall establish model~~
36 ~~statewide timeframe goals, in consultation with community college~~
37 ~~districts and other relevant parties, by February 1, 2007.~~
38 ~~Implementation of the collaborative process for project~~
39 ~~development and review with participating community college~~

1 districts shall not negatively impact the traditional plan review
2 process with other community college districts.

3 (e) The Department of General Services shall submit a
4 preliminary report to the Legislature by July 1, 2008, and a final
5 report by July 1, 2009. These reports shall address whether the
6 implementation of the collaborative process for project
7 development and review has assisted the department and
8 community college districts in meeting their mutually determined
9 timeframe goals.

10 (f) Notwithstanding Section 81133, the application for the
11 collaborative process for project development and review may be
12 accompanied by a filing fee from the community college district
13 in amounts determined by the Department of General Services
14 based on the estimated project cost and according to the filing fee
15 schedule identified in paragraph (7) of subdivision (c) of Section
16 81133. The Department of General Services may establish a
17 procedure for the payment and collection of this filing fee.

18 (g) The department may assess a fee on a participating district
19 to cover the unreimbursed costs of the department incurred
20 pursuant to that district's participation in the collaborative process
21 if the department deems the assessment of the fee to be necessary
22 for the support of its operations and establishes a procedure for
23 the determination, collection, and deposit of the fee.

24 (h) During project development, the community college district
25 may provide input to the Department of General Services in its
26 selection of a qualified plan review firm to provide consultative
27 services to that department. Upon project submittal by the applicant
28 community college district, the department may also refer the
29 necessary project documents to the selected qualified plan review
30 firm for plan review. The department may establish procedures
31 governing the use of this section by applicant community college
32 districts for the selection of a qualified plan review firm.

33 SEC. 47. Section 81133.2 of the Education Code is repealed.

34 81133.2. (a) The Department of General Services shall provide
35 training, on an ongoing basis, to its employees and to the
36 employees of architectural and structural engineering firms that
37 contract with the department for the purposes of this chapter. The
38 training shall address all phases of the plan review process
39 established under this chapter, and shall be designed to ensure that
40 all individuals who develop and review college building plans

1 obtain sufficient knowledge of the rules, regulations, and standards
2 that apply under this chapter.

3 ~~(b) The department shall make the training described in~~
4 ~~subdivision (a) available to the employees of architectural and~~
5 ~~structural engineering firms that contract with applicant community~~
6 ~~college districts for the purpose of this chapter, and to any other~~
7 ~~individuals, firms, and governmental agencies that are involved~~
8 ~~in college building design, construction, or inspection, and that~~
9 ~~may benefit from the training.~~

10 ~~(c) The department may charge a fee for training provided~~
11 ~~pursuant to this subdivision.~~

12 SEC. 48. Section 81133.5 of the Education Code is repealed.

13 ~~81133.5. (a) Notwithstanding any provision of law to the~~
14 ~~contrary, including, but not limited to, Title 15 (commencing with~~
15 ~~Section 3082) of Part 4 of the Civil Code, the Department of~~
16 ~~General Services may issue a stop work order when construction~~
17 ~~work on a community college is not being performed in accordance~~
18 ~~with existing law and would compromise the structural integrity~~
19 ~~of the building, thereby endangering the public safety. The~~
20 ~~Department of General Services shall allow construction of~~
21 ~~incidental and minor nonstructural additions or nonstructural~~
22 ~~alterations without invoking its stop work authority.~~

23 ~~(b) A community college district or other public board, body,~~
24 ~~or officer whose construction work on a community college is~~
25 ~~subject to a stop work order issued pursuant to subdivision (a)~~
26 ~~shall not be held liable in any action filed against the public board,~~
27 ~~body, or officer for stopping work as required by the stop work~~
28 ~~order, or for any delays caused by compliance with the stop work~~
29 ~~order, except to the extent that an error or omission by the public~~
30 ~~board, body, or officer is that basis for the issuance of the stop~~
31 ~~work order.~~

32 SEC. 49. Section 81134 of the Education Code is repealed.

33 ~~81134. (a) The Department of General Services shall establish~~
34 ~~one or more methods to ensure that each application has been~~
35 ~~completed sufficiently by the applicant to enable the plan review~~
36 ~~to be performed.~~

37 ~~(b) Upon receipt of a complete application, the Department of~~
38 ~~General Services shall inform the applicant of the period of time~~
39 ~~that it anticipates to elapse prior to commencing review of the~~
40 ~~applicant's plans. Within 10 days of being so notified, the applicant~~

1 shall make an election to either use the Department of General
2 Services for the review of the applicant's plans or, request that the
3 plan review be performed by one or more qualified plan review
4 firms pursuant to Sections 81135 and 81136. If the applicant elects
5 to use the services of the Department of General Services for
6 review of the applicant's plans, the department, as it deems
7 necessary to expedite review of the applicant's plans, in addition
8 to making a good faith effort to hire state employees, shall do one
9 or more of the following:

10 (1) Contract for assistance from one or more qualified plan
11 review firms pursuant to Sections 81135 and 81136.

12 (2) Employ additional staff on a temporary basis.

13 (3) Maximize the use of department staff through the use of
14 overtime or other appropriate means.

15 (4) Any other action determined by the department to have the
16 effect of expediting the review and approval process.

17 (e) Each application shall identify, for purposes of receiving
18 the notifications required under this subdivision, an employee of
19 the applicant community college district and either the applicant's
20 architect or structural engineer. The Department of General
21 Services immediately shall notify that employee, and the identified
22 architect or structural engineer, when each of the following steps
23 in the plan review process occurs:

24 (1) The department requests the applicant's architect or structural
25 engineer to correct or complete any part of the application.

26 (2) An application number is assigned to the application.

27 (3) Review of the applicant's plans is commenced.

28 (4) Review of the applicant's plans is completed and the
29 department returns the plans to the architect or structural engineer
30 for correction.

31 (5) Corrected plans are returned to the department by the
32 applicant's architect or structural engineer for final review and
33 approval.

34 (6) The department approves the plans and causes a final record
35 set of the plans to be printed in accordance with Section 17304.

36 (d) The Department of General Services may provide additional
37 notifications to applicants as it deems necessary.

38 SEC. 50. Section 81135 of the Education Code is repealed.

1 81135. ~~(a) Unless the context otherwise requires, the~~
2 ~~definitions set forth in this section govern the construction of this~~
3 ~~article.~~

4 ~~(1) “Prequalified list” means a list of qualified firms established~~
5 ~~by the Department of General Services to perform specific types~~
6 ~~of plan review services.~~

7 ~~(2) “Qualified plan review firm” means an individual, firm, or~~
8 ~~the building official of a city, county, or city and county, as defined~~
9 ~~in Section 18949.27 of the Health and Safety Code, or the~~
10 ~~authorized representative of that building official that is identified~~
11 ~~by the Department of General Services as having appropriate~~
12 ~~expertise and knowledge of the requirements that apply to school~~
13 ~~buildings under this article.~~

14 ~~(b) The department shall establish and maintain a list of qualified~~
15 ~~plan review firms, and shall make that list available, upon request,~~
16 ~~to community college districts and other interested parties.~~

17 ~~(c) Notwithstanding Section 14952 of the Government Code,~~
18 ~~the Department of General Services shall contract with sufficient~~
19 ~~numbers of qualified plan review firms for assistance in performing~~
20 ~~the plan review required under the Field Act.~~

21 ~~(d) At the discretion of the Department of General Services,~~
22 ~~contracts for a qualified plan review firm made pursuant to this~~
23 ~~article may be advertised and awarded in accordance with this~~
24 ~~section.~~

25 ~~(e) (1) The Department of General Services may establish~~
26 ~~prequalified lists of qualified firms in accordance with this~~
27 ~~subdivision.~~

28 ~~(2) (A) For each type of plan review for which the department~~
29 ~~elects to use the process established by this section for advertising~~
30 ~~and awarding contracts, the Department of General Services may~~
31 ~~request statements of qualifications from interested firms.~~

32 ~~(B) The request for statements of qualifications shall be~~
33 ~~announced statewide through the California State Contracts~~
34 ~~Register and publications of relevant professional societies.~~

35 ~~(C) Each announcement shall describe the general scope of~~
36 ~~services to be provided within each generic project category for~~
37 ~~plan review services that the Department of General Services~~
38 ~~anticipates may be awarded during the period covered by the~~
39 ~~announcement. For the purposes of this section, a generic project~~
40 ~~category shall be defined in a manner that each specific project to~~

1 be awarded within a respective discipline meets all of the following
2 requirements:

3 (i) The project is substantially similar to all other projects within
4 that discipline.

5 (ii) The project is within the same size range and geographical
6 area.

7 (iii) The project requires substantially similar skills and
8 magnitude of professional effort as compared to every other project
9 within that discipline.

10 (3) The Department of General Services shall evaluate the
11 statements of qualifications, and develop a list of qualified plan
12 review firms that meet the criteria established and published by
13 the Department of General Services. Interviews may be held to
14 determine a firm's qualifications. Lists of qualified plan review
15 firms shall be maintained by the Department of General Services
16 for not more than four years.

17 (4) During the term of a prequalified list, as specific projects
18 are identified by the Department of General Services as being
19 eligible for contracting, the Department of General Services shall
20 contact a firm on the prequalified list, on a rotational basis, for
21 both of the following purposes:

22 (A) To distribute the work in a fair and equitable manner.

23 (B) To determine that the firm has sufficient staff and is
24 available for performance of the project.

25 (5) If the contacted firm is not available, the Department of
26 General Services shall continue to contact firms on the prequalified
27 list, on a rotational basis, until an available firm is identified.

28 (6) The Department of General Services shall negotiate a
29 contract for the services with the identified firm, including a price
30 and timeframe that it determines is fair and reasonable.

31 (7) If the identified plan review firm is unable to negotiate a
32 satisfactory contract with the Department of General Services, the
33 department shall terminate negotiations, and shall undertake
34 negotiations, on a rotational basis, with the next firm available for
35 performance from the prequalified list until a successful negotiation
36 is achieved. If the Department of General Services is unable to
37 negotiate a satisfactory contract with a firm on two separate
38 occasions, that firm may be removed from the prequalified list.

39 (f) Contracts for plan review services that the Department of
40 General Services elects to advertise and award in accordance with

~~this section are not subject to Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.~~

SEC. 51. Section 81136 of the Education Code is repealed.

~~81136. (a) Upon submitting a complete application for review under this article, the applicant may request that the Department of General Services refer the documents necessary for the review of that application to a qualified plan review firm operating under contract with the department pursuant to Section 81135. The department immediately shall grant the request and refer the necessary documents to a qualified plan review firm if the applicant so requests. Upon completing the review, the qualified plan review firm shall submit the documents referred to it for the review of the application, together with the results of its review, to the Department of General Services.~~

~~(b) The Department of General Services shall establish a procedure governing the use by applicants of the review process alternative described in this section, including, but not limited to, provisions restricting the use of qualified plan review firms on the basis of conflict of interest.~~

SEC. 52. Section 81138 of the Education Code is amended to read:

81138. (a) Except as provided in subdivision (b), all plans, specifications, and estimates shall be prepared by a licensed architect holding a valid certificate under Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code or by a structural engineer holding a valid certificate to use the title structural engineer under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, and the observation of the work of construction shall be under the responsible charge of such an architect or structural engineer.

(b) For the purposes of this section, a mechanical or electrical engineer holding a valid certificate under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code may be in responsible charge of preparation of plans, specifications, and estimates, and observation of the work of construction where the work is, as determined by the ~~Department of General Services~~ *building department of the appropriate local jurisdiction*, of the kind normally performed by engineers certified in the particular branch of engineering for which the engineer is certified. Any architectural or structural work involved shall be

1 the respective responsibility of a licensed architect holding a valid
2 certificate under Chapter 3 (commencing with Section 5500) of
3 Division 3 of the Business and Professions Code, or a structural
4 engineer holding a valid certificate to use the title structural
5 engineer under Chapter 7 (commencing with Section 6700) of
6 Division 3 of the Business and Professions Code.

7 SEC. 53. Section 81141 of the Education Code is repealed.

8 ~~81141. From time to time, as the work of construction or~~
9 ~~alteration progresses and whenever the Department of General~~
10 ~~Services requires, the licensed architect or structural engineer in~~
11 ~~charge of observation of construction or registered engineer in~~
12 ~~charge of observation of other work, the inspector on the work,~~
13 ~~and the contractor shall each make to the Department of General~~
14 ~~Services a report, duly verified by him or her, upon a form~~
15 ~~prescribed by the Department of General Services, based upon his~~
16 ~~or her own personal knowledge, indicating that the work during~~
17 ~~the period covered by the report has been performed and materials~~
18 ~~have been used and installed, in every material respect, in~~
19 ~~compliance with the approved plans and specifications, setting~~
20 ~~forth detailed statements of fact that are required by the Department~~
21 ~~of General Services.~~

22 “Personal knowledge,” as used in this section and as applied to
23 the architect and the registered engineer, means the personal
24 knowledge that is obtained from periodic visits to the project site
25 of reasonable frequency for the purpose of general observation of
26 the work, and also that is obtained from the reporting of others as
27 to the progress of the work, testing of materials, inspection and
28 superintendence of the work that is performed between the
29 above-mentioned periodic visits of the architect or the registered
30 engineer. The exercise of reasonable diligence to obtain the facts
31 is required.

32 “Personal knowledge,” as applied to the inspector, means the
33 actual personal knowledge that is obtained from his or her personal,
34 continuous inspection of the work of construction in all stages of
35 its progress at the site where he or she is responsible for inspection
36 and, when work is carried out away from the site, personal
37 knowledge that is obtained from the reporting of others on the
38 testing or inspection of materials and workmanship for compliance
39 with plans, specifications, or applicable standards. The exercise
40 of reasonable diligence to obtain the facts is required.

1 “Personal knowledge,” as applied to the contractor, means the
2 personal knowledge that is obtained from the construction of the
3 building. The exercise of reasonable diligence to obtain the facts
4 is required.

5 SEC. 54. Section 81142 of the Education Code is repealed.

6 81142. Except as provided in Section 18930 of the Health and
7 Safety Code, the Department of General Services may from time
8 to time make such rules and regulations as it deems necessary,
9 proper, or suitable to carry out the provisions of this article.

10 The Department of General Services shall adopt and submit
11 building standards for approval pursuant to Chapter 4 (commencing
12 with Section 18935) of Part 2.5 of Division 13 of the Health and
13 Safety Code for the purposes described in this article.

14 SEC. 55. Section 81143 of the Education Code is repealed.

15 81143. The State Department of General Services shall make
16 such inspection of the school buildings and of the work of
17 construction or alteration as in its judgment is necessary or proper
18 for the enforcement of this article and the protection of the safety
19 of the students, the instructors, and the public. The community
20 college district, city, city and county, or the political subdivision
21 within the jurisdiction of which any school building is constructed
22 or altered shall provide for and require competent, adequate, and
23 continuous inspection during construction or alteration by an
24 inspector satisfactory to the architect or structural engineer and
25 the Department of General Services. The inspector shall act under
26 the direction of the architect or structural engineer as the board
27 may direct, and be responsible to the governing board.

28 SEC. 56. Section 81146 of the Education Code is repealed.

29 81146. Any public school building which has been approved
30 by the Department of General Services for occupancy shall be
31 deemed to meet the local building requirements for use as a private
32 school.

33 SEC. 57. Section 81147 of the Education Code is repealed.

34 81147. (a) When a school building constructed in accordance
35 with plans and specifications approved by the Department of
36 General Services is completed, the notice of completion is filed,
37 and all final verified reports and all testing and inspection
38 documents, as required by this article or as required by the rules
39 and regulations adopted pursuant to this article, are submitted to
40 and on file with the Department of General Services, and all

1 required fees paid by the community college district, the
2 department shall issue a certification that the school building
3 complies with the requirements of this article. Nothing in this
4 article shall prevent beneficial occupancy by a community college
5 district prior to the issuance of this certification.

6 (b) When a school building, constructed in accordance with
7 approved plans and specifications, is completed but final verified
8 reports, as are required under Section 81141, have not been
9 submitted to the Department of General Services due to the
10 incapacitating illness, death, or the default of any persons required
11 to file such reports, the Department of General Services shall, upon
12 written request of the community college district, review all of the
13 project records and make such examinations as it deems necessary
14 to enable it to certify that the school building otherwise complies
15 with the requirements of this article. The Department of General
16 Services may request the community college district to have made,
17 reported, and verified any other tests and inspections which the
18 department deems necessary to complete its examinations of the
19 construction.

20 (c) The costs incurred by the Department of General Services
21 in connection with this section shall be paid by the community
22 college district. The actual costs to perform the examinations, tests,
23 and inspections shall be an appropriate cost of the project to be
24 paid from the building funds of the district. Certification of the
25 project by the Department of General Services shall be withheld
26 until all the costs have been paid by the community college district.

27 (d) This section shall not relieve any individual of his or her
28 responsibility to file verified reports, as required in Section 81141,
29 or any other documents required by the rules and regulations
30 adopted pursuant to this article. This section shall not abrogate the
31 provisions of Section 81144.

32 SEC. 58. Section 81149 of the Education Code is amended to
33 read:

34 81149. (a) Notwithstanding any provision of law, a community
35 college district may acquire for use any facility previously used
36 by the United States military and closed as a result of action by
37 the federal Defense Base Closure and Realignment Commission,
38 or purchase any offsite building constructed prior to January 1,
39 1998 that meets the structural requirements of the 1976 Uniform
40 Building Code, or subsequent additions to that code, but that does

1 not meet the requirements of Section 81130, for use as a school
2 building, as defined in Section 81130.5, if the governing board of
3 the district finds that ~~all of the following conditions have been~~
4 ~~met:~~

5 ~~(1)~~ A structural engineer has inspected the building or facility
6 and submitted a report to the governing board of the community
7 college district that certifies that the building or facility is in
8 substantial compliance with the requirements of this article, or
9 describes in detail any structural modifications necessary to render
10 the building or facility in substantial compliance with this article.
11 For purposes of this section, substantial compliance with this article
12 means that the building or facility is likely to resist, without
13 catastrophic collapse, earthquake forces generated by major
14 earthquakes of the intensity and severity of the strongest
15 experienced in California, but may experience some reparable
16 architectural or structural damage. This requirement is satisfied if
17 the structural engineer affixes his or her seal of approval to the
18 report and he or she attests in that report that to the best of his or
19 her knowledge:

20 ~~(A)~~

21 ~~(1)~~ He or she has reviewed the design calculations, construction
22 documents, and the local government construction inspection
23 records of the building or facility, to the extent those items are
24 available.

25 ~~(B)~~

26 ~~(2)~~ He or she has authorized testing and has observed or
27 reviewed the test results and the inspections of an adequate sample
28 of the structure's welds, anchor bolts, and other structural elements.

29 ~~(C)~~

30 ~~(3)~~ He or she has observed that the nonstructural elements,
31 including, but not limited to, light fixtures, heating, and
32 air-conditioning diffusers are adequately braced or anchored.

33 ~~(2)~~ The governing board of the community college district shall
34 forward the report submitted pursuant to paragraph (1) to the
35 Department of General Services for its review. Within 45 working
36 days, the Department of General Services shall review the report
37 for compliance with the above requirements, to provide feedback
38 to the structural engineer regarding any insufficiencies with the
39 report, and to determine whether or not the building or facility is
40 in substantial compliance with the requirements of this article, or

1 ~~whether any proposed structural modifications will render the~~
2 ~~structure in substantial compliance with this article. If the~~
3 ~~Department of General Services does not respond within 45~~
4 ~~working days of the submission of the final and complete report,~~
5 ~~the department will be deemed to have concurred with the structural~~
6 ~~engineer's report. If structural modifications are necessary to~~
7 ~~achieve substantial compliance with this article, plans shall be~~
8 ~~submitted to the department for review and approval. Construction~~
9 ~~shall be completed in compliance with the continuous inspection~~
10 ~~requirements of this article.~~

11 (b) (1) No member of the governing board of a community
12 college district, and no employee of a community college district,
13 shall be held personally liable for injury to persons or damage to
14 property resulting from the fact that the governing board of the
15 community college district purchased a building or facility pursuant
16 to this subdivision for a school and the building or facility was not
17 constructed pursuant to the requirements of Section 81130.

18 (2) The exemption from personal liability for members of the
19 governing board and employees of a community college district
20 described in paragraph (1) does not limit the liability of the
21 community college district for injury to persons or damage to
22 property resulting from the fact that the governing board or any
23 employee of the community college district used a building or
24 facility pursuant to this subdivision for a school if the building or
25 facility was not constructed pursuant to the requirements of Section
26 81130. The exemption from personal liability for members of the
27 governing board and employees of a community college district
28 described in paragraph (1) does not limit the liability of the
29 community college district, the governing board, or the district's
30 employees pursuant to Section 835 of the Government Code.

31 (3) Section 81144 is not applicable to a person who, pursuant
32 to this section, purchases a building or facility that meets the
33 requirements of this section but does not meet the requirements
34 of Section 81130. Approval and use of a building or facility
35 pursuant to this section does not violate this article.

36 SEC. 59. Section 4453 of the Government Code is amended
37 to read:

38 4453. The responsibility for enforcement of this chapter shall
39 be as follows:

1 ~~(a) By the Director of the Department of General Services where~~
2 ~~state funds are utilized for any project or where funds of counties,~~
3 ~~municipalities, or other political subdivisions are utilized for the~~
4 ~~construction of elementary, secondary, or community college~~
5 ~~projects.~~

6 ~~(b) By the governing bodies thereof where funds of counties,~~
7 ~~municipalities, or other political subdivisions~~ *if their funds* ~~are~~
8 ~~utilized except as otherwise provided in (a) above for purposes of~~
9 ~~complying with this chapter.~~

10 SEC. 60. Section 4453.5 of the Government Code is repealed.

11 ~~4453.5. (a) In addition to any other inspection requirements~~
12 ~~pertaining to building standards of state and school district~~
13 ~~buildings used by the public, the construction of which are under~~
14 ~~the jurisdiction of the Office of the State Architect in the~~
15 ~~Department of General Services, accessibility to persons with~~
16 ~~handicaps may be inspected pursuant to subdivision (b) in state~~
17 ~~and school district buildings used by the public in order to~~
18 ~~determine if the building meets minimum state standards for~~
19 ~~accessibility to handicapped persons.~~

20 ~~(b) Inspection and approval may be made on a voluntary basis~~
21 ~~by one or more persons who have physical disabilities or who~~
22 ~~represent the interests of physically disabled persons, who are~~
23 ~~familiar with the California access laws and standards, and who~~
24 ~~have been chosen by the Department of Rehabilitation. The~~
25 ~~Department of Rehabilitation may assign these volunteers to inspect~~
26 ~~those state and school district buildings used by the public specified~~
27 ~~in subdivision (a). If the volunteer inspector finds that a building~~
28 ~~does not meet minimum state standards for accessibility to~~
29 ~~handicapped persons, the volunteer shall report this information~~
30 ~~to the Department of Rehabilitation, which shall in turn report the~~
31 ~~information to the school district if a school building is involved,~~
32 ~~to the owning agencies if a state building is involved, and to the~~
33 ~~Office of the State Architect. When, after receipt of this~~
34 ~~information, the Office of the State Architect confirms that the~~
35 ~~building does not meet minimal state standards for accessibility~~
36 ~~to handicapped persons, the Office of the State Architect shall~~
37 ~~develop a plan to be filed with the jurisdiction owning the building~~
38 ~~that addresses the correction of the identified deficiencies.~~

39 ~~(c) The provisions of this section shall only pertain to state and~~
40 ~~school district buildings used by the public for which building~~

1 ~~plans have been filed with the Office of the State Architect on or~~
2 ~~after January 1, 1985.~~

3 SEC. 61. Section 4454 of the Government Code is amended
4 to read:

5 ~~4454. (a) Where state funds are utilized for any building or~~
6 ~~facility subject to this chapter, or where funds of counties,~~
7 ~~municipalities, or other political subdivisions are utilized for the~~
8 ~~construction of elementary school, secondary school, or community~~
9 ~~college buildings and facilities subject to this chapter, no contract~~
10 ~~shall be awarded until the Department of General Services has~~
11 ~~issued written approval stating that the plans and specifications~~
12 ~~comply with the intent of this chapter.~~

13 ~~(b) Notwithstanding subdivision (a), for~~

14 *(a) For* all transportation facilities, other than rail or transit
15 stations, located within state highway rights-of-way, the
16 Department of Transportation is authorized to issue the required
17 written approval stating that the plans and specifications comply
18 with intent of this chapter. If the Department of General Services,
19 Division of the State Architect, establishes a certified access
20 specialist program, as described in Section 4459.5, specific to
21 standards governing access to transportation facilities, the
22 Department of Transportation shall within 180 days of
23 establishment of the program begin using engineers certified
24 through that program to verify that the Department of
25 Transportation's standards, guidelines, and design exceptions
26 comply with the intent of this chapter.

27 ~~(e)~~

28 *(b)* In each case the application for approval shall be
29 accompanied by the plans and full, complete, and accurate
30 specifications, which shall comply in every respect with any and
31 all requirements prescribed by the Department of General Services.

32 ~~(d)~~

33 *(c)* Except for facilities located within state highway
34 rights-of-way, other than rail or transit stations, the application
35 shall be accompanied by a filing fee in amounts as determined by
36 the Department of General Services. All fees shall be deposited
37 into the Access for Handicapped Account, which is hereby renamed
38 the Disability Access Account as of July 1, 2001, and established
39 in the General Fund. Notwithstanding Section 13340, the account
40 is continuously appropriated for expenditures for the use of the

1 Department of General Services, in carrying out the department's
2 responsibilities under this chapter.

3 (e)

4 (d) The Department of General Services shall consult with the
5 Department of Rehabilitation in identifying the requirements
6 necessary to comply with this chapter.

7 ~~(f) The Department of General Services, Division of the State~~
8 ~~Architect, shall include the cost of carrying out the responsibilities~~
9 ~~identified in this chapter as part of the plan review costs in~~
10 ~~determining fees.~~

11 SEC. 62. Section 4459.5 of the Government Code is amended
12 to read:

13 4459.5. (a) The State Architect shall establish and publicize
14 a program for voluntary certification by the state of any person
15 who meets specified criteria as a certified access specialist. No
16 later than January 1, 2005, the State Architect shall determine
17 minimum criteria a person is required to meet in order to be a
18 certified access specialist, which may include knowledge sufficient
19 to review, inspect, or advocate universal design requirements,
20 completion of specified training, and testing on standards governing
21 access to buildings for persons with disabilities.

22 ~~(b) The State Architect may implement the program described~~
23 ~~in subdivision (a) with startup funds derived, as a loan, from the~~
24 ~~reserve of the Public School Planning, Design, and Construction~~
25 ~~Review Revolving Fund, upon appropriation by the Legislature.~~
26 ~~That loan shall be repaid when sufficient fees have been collected~~
27 ~~pursuant to Section 4459.8.~~

28 SEC. 63. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 a local agency or school district has the authority to levy service
31 charges, fees, or assessments sufficient to pay for the program or
32 level of service mandated by this act, within the meaning of Section
33 17556 of the Government Code.